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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,556	02/20/2002	David W. Andrews	2322-0495	4278

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SAN DIEGO, CA 92101-2926

EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,556

Applicant(s)

ANDREWS, DAVID W.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5, 8-15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Sehr (U. S. 6,085,976).

Sehr teaches to travel system and method utilizing multi-application passenger cards, comprising:

As per claims 1, 10 and 18,

- storing a plurality of fare transactions and a monetary value of a purchased fare pass on the smart card (column 5, line 12 through column 6, line 15; column 29, lines 35-46);
- downloading at least one price point tables to the mass transit devices (column 5, line 12 through column 6, line 15; column 29, lines 35-46);

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- reading the fare transaction and the monetary value from the smart card (column 6, lines 39-51; column 29, lines 35-46; column 33, line 51 through column 34, line 11);

- comparing the fare transaction and the monetary value to a plurality of price points of the at least one price point table (column 6, line 62 through column 7, line 9; column 33, line 51 through column 34, line 11);

- determining a start date and an end date for the purchased fare pass when the fare transactions and monetary value meet a price point of the plurality of price points (column 29, lines 35-46);

- comparing the fare transaction data stored on the smart card to a plurality of price points of a price point table of a plurality of price point tables to determine the best fare available to the patron (column 15, lines 29-37).

As per claims 2 and 12, said system and method wherein mass transit devices comprise at least one of rail gates, bus fare boxes, and parking lot structures (column 33, line 64 through column 34, line 11; column 42, lines 43-64).

As per claims 3 and 13, said system and method wherein the at least one price point table comprises one of at least one bus price point table, at least one rail gate price point table, and at least one parking lot equipment price point table (column 33, line 64 through column 34, line 11; column 42, lines 43-64).

As per claims 4 and 14, said system and method wherein a shared price point table of the at least one of price point table is shared by at least two of the mass transit devices (column 29, lines 46-49).

As per claims 5 and 15, said system and method wherein each price point of the plurality of price points defines a number of days associated with the monetary value, and

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the start date is determined based upon a first transaction of the fare transactions, and the end date is the start date plus the number of days associated with the monetary value (column 29, lines 35-46).

As per claims 8 and 11, said system and method, comprising:

- storing the fare transaction data of the smart card for each patron on a transaction database of a central computer (column 29, lines 46-49);
- determining whether the monetary value of the purchased fare pass meets requirements for longer-period price points of the plurality of price points (column 30, lines 54-59).

As per claims 9, said system and method, comprising an adjustor for complex fares, the adjustor for determining credits due to the patron based upon results of the transaction data analyzer and for communicating the credits to the central computer for download to the smart card of the patron (column 15, lines 29-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr.

As per claims 6 and 16, Sehr teach said system and method wherein each price point of the plurality of price points defines a number of days associated with the monetary value (column 29, lines 35-46). Sehr does not specifically teach that the

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number of said days is a multiple of seven days. It would have been an obvious matter of design choice to modify Sehr to include that the number of said days is a multiple of seven days because it appears that the claimed feature does not distinguish the invention over similar features in the prior art, and the teachings of Sehr would perform the invention as claimed by the applicant with any amount of said days.

As per claims 7 and 17, Sehr teach said system and method comprising storing a plurality of fare transactions and a monetary value of a purchased fare pass on the smart card (column 5, line 12 through column 6, line 15; column 29, lines 35-46). Sehr does not specifically teach that the smart card stores fare transactions for up to twenty-eight days. It would have been an obvious matter of design choice to modify Sehr to include that the smart card stores fare transactions for up to twenty-eight days because it appears that the claimed feature does not distinguish the invention over similar features in the prior art, and the teachings of Sehr would perform the invention as claimed by the applicant with any amount of days for storing fare transactions on the smart card.

Response to Arguments

In response to applicant's argument that Sehr fails to show certain features of applicant's invention, it is noted that the "patron qualifying" features upon which applicant relies in claims 1 and 10 is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks
Washington D.C. 20231***

or faxed to:

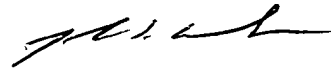
(703) 305-7687

[Official communications; including
After Final communications labeled
"Box AF"]

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,

Arlington, VA, 7th floor receptionist.



JOHN G. WEISS
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